

**AB 797**  
**Sacramento-San Joaquin Delta**  
**By Assemblymember Wolk**

**Bill Summary**

AB 797 proposes various changes to the Delta Protection Act of 1992.

**Background and Analysis**

Bill provisions include:

Agricultural conservation easements in the Primary or Secondary Zones of the Legal Delta may be related to contract rescissions on agricultural lands in any portion of the Secondary Zone, regardless of County boundaries. This would serve to facilitate agricultural conservation easements being placed in the Primary Zone as mitigation for development of agricultural lands anywhere in the Secondary Zone.

Additions to the existing membership of the Delta Protection Commission (Commission), to include:

- The public member of the California Bay-Delta Authority representing the Delta; and
- Three members from the general public, appointed by the Governor, who are residents of, or landowners in, the Delta representing the interests of production agriculture, wildlife conservation, and outdoor recreational opportunities.

Allows the Commission, by majority vote, to review on appeal any approved local project the Commission feels is inconsistent with its Management Plan.

**Status as of March 10, 2006**

Date introduced/last amended: January 25, 2006

Location: Senate Floor

**Staff Comment:**

Staff has discussed with Secretary for Resources and Assemblywoman Wolk's legislative staff the benefits of the addition of a member representing a transportation perspective.

# **SB 1556**

## **Parks: The Great California Delta Trails System**

By Senator Torlakson; Co-sponsors are Senators Chesbro, Machado, and Ortiz, and Assemblymembers Wolk and Jones

### **Bill Summary**

SB 1556 requires the Delta Protection Commission to facilitate establishment of a continuous recreation corridor, including bicycle and hiking trails, around the perimeter of the Delta, utilizing existing funds from local transportation planning agencies.

### **Background and Analysis**

Existing law requires local transportation planning agencies to provide funds for pedestrian and bicycle trails, and additionally authorizes the Metropolitan Transportation Commission to allocate funds to establish a recreation corridor (including trails) around the perimeter of San Francisco and San Pablo Bays (the San Francisco Bay Trail system).

This legislation authorizes the local transportation planning entities that allocate funds to cities and counties with jurisdiction or a sphere of influence in the Delta to allocate funds, instead, to the Delta Protection Commission for the development of a system of trails around the Delta. The Delta trails system would be linked to the San Francisco Bay Trail system.

In the past, the Delta Protection Commission in cooperation with other recreation planning entities and consultants have conducted surveys, the results of which indicate that there are unmet recreational needs in the Delta, including a pedestrian and bicycle trail around its perimeter. It is believed that the establishment of a trails system in the Delta will aid in connecting people with this unique natural resource, provide exceptional recreational opportunities to surrounding urban areas, and serve to help alleviate the growing problem of obesity among the State's citizens.

### **Status as of March 10, 2006:**

Date introduced/last amended: February 23, 2006

Location: Senate Committee on Natural Resources and Wildlife

### **Staff Comment:**

The legislation indicates that funding would come from existing local transportation planning funds. Commission input to the Senator has included the recognition of the priority of public health and safety, and infrastructure improvements for State funding.

# **AB 2901**

## **Mercury Monitoring and Remediation Act of 2006**

### **By Assemblymember Wolk**

#### **Bill Summary**

AB 2901 establishes a statewide fund to support mercury monitoring and remediation activities to assist local governments.

#### **Background and Analysis**

The US Environmental Protection Agency (USEPA) has listed 69 California waterways as impaired with mercury under the Clean Water Act. At high enough levels in fish tissue, combined with high levels of fish consumption, methylmercury can adversely affect the health of humans and fish-eating wildlife. Inorganic mercury in the water or in sediment converts to methylmercury in an anaerobic environment, such as wetlands.

Elevated mercury in California waterways is primarily the result of mining activities that occurred during the latter half of the 19<sup>th</sup> century and natural erosion from mercury-enriched watersheds, not recent or current local actions. Yet the State Water Resources Control Board (SWRCB), through the development of mercury Total Maximum Daily Loads (TMDLs) mandated by the USEPA, requires local entities to pay for studies and remediation activities to reduce mercury levels in impaired waterways. These requirements often have high costs and do not significantly reduce mercury levels.

AB 2901 establishes a statewide fund to support mercury monitoring and remediation activities because local entities should not bear the primary financial responsibility for reducing mercury levels in California waterways. It also provides guidelines to SWRCB for the development and implementation of mercury TMDLs. Specifically, AB 2901:

- Establishes the Mercury Monitoring and Remediation Fund in the State Treasury;
- Creates incentives to reduce mercury levels through mine remediation, erosion control, changes in land use practices, and public education and outreach;
- Requires the SWRCB to prioritize remediation actions;
- Requires the SWRCB to demonstrate that the benefits of a remediation justify the costs, including the negative impact of remediation on activities that benefit the public (i.e. habitat restoration and flood management);
- Prohibits the SWRCB from proceeding with remediation requirements prior to the completion of state-financed studies related to the efficacy of those remediation requirements; and
- Prohibits the SWRCB from requiring local entities to pay for studies or remediation activities for which they are not directly responsible.

#### **Status as of March 10, 2006**

Date introduced/last amended: February 27, 2006

Location: Assembly Floor

#### **Staff Comment:**

This legislation would be in support of the work being conducted under the Delta Mercury TMDL Collaborative that the Commission voted to convene in 2005.

**AB 1561**  
**State boards and commissions: member removal:**  
**failure to attend meetings**  
**By Assemblymember Umberg**

**Bill Summary**

AB 1561 specifies that with respect to State boards and commissions not governed by the California Constitution, if an appointed member fails to attend three out of four consecutive meetings, the appointing authority is authorized to remove that member from the board or commission.

**Background and Analysis**

Existing law establishes various boards and commissions, and sets forth specified events causing vacancy of an office before expiration of the term. This legislation would allow appointing authorities for these various boards and commissions to remove members from office if they fail to attend three out of four consecutive board or commission meetings (with exceptions for sickness or being absent on State, board, or commission business).

This legislation basically serves to ensure that all appointed members of State boards and commissions are diligent in their responsibilities to those entities, and to ensure that appointing authorities feel they are aptly represented on those boards and commissions by their appointees.

**Status as of March 10, 2006:**

Date introduced/last amended: January 23, 2006

Location: Senate Committee on Rules

**Staff Comment:**

Staff has noted that it may be appropriate to provide input requesting that language be included in the legislation allowing for the appointment of alternates.